

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EXECWARE, LLC,

Plaintiff,

v.

SEARS BRANDS LLC,
KMART.COM LLC,
KMART CORPORATION, and
SEARS, ROEBUCK, AND CO.,

Defendants.

C.A. No. 12-561-LPS-SRF

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(2), it is hereby stipulated by and between Plaintiff Execware, LLC, and Defendants Sears Brands LLC, *et al.*, subject to the approval of the Court, that all claims between them in this action are dismissed WITH PREJUDICE. Each party is to bear its own costs, expenses, and attorneys' fees.

BAYARD, P.A.

/s/ Stephen B. Brauerman
Richard D. Kirk (#922)
Stephen B. Brauerman (#4952)
222 Delaware Avenue
Suite 900
Wilmington, DE 19801
(302) 655-5000
rkirk@bayardlaw.com
sbrauerman@bayardlaw.com

*Attorneys for Plaintiff,
Execware, LLC
April 14, 2014*

DRINKER BIDDLE & REATH, LLP

/s/ Todd C. Schiltz
Todd C. Schiltz (I.D. No. 3253)
1100 North Market Street, Suite 1000
Wilmington, Delaware 19801-1254
Telephone: (302) 467-4200
Facsimile: (302) 467-4201
Todd.Schiltz@dbi.com

*Attorneys for Defendants,
Sears Parties*

SO ORDERED this ____ day of _____, 2014.

United States District Judge